

US DISTRICT COURT
DISTRICT OF DELAWARE

IN RE KAISER

02-1042

RECEIVED

MAY - 2 2006

DUNCAN J. MCNEIL, III

MC - 06-41
CV - 05-574
CV - 06-178

v.

KAISER

NOTICE OF COUNTER
TO/ OR DIRECT ATTACK ON:
 ① 05-574, ORDER AT
 2 (D. DEL. 8/22/05; AND
 ② 05-574, ORDER AT
 6 (D. DEL 2/17/06) (WHERE
 APPLICANT WAS NEVER
 SERVED WITH); AND ③
 ALL OTHER ORDERS
 THAT THESE ORDERS
 ARE BASED UPON

MOTION FOR EXTENSION OF
 TIME AND DUE PROCESS
 TO OBTAIN RELIEF FROM
 ORDERS OF 4/18/06
 AND 4/24/06; MOTIONS
 FOR RELIEF FROM ORDERS
 AND TO MODIFY OR
 CORRECT FINDINGS
 PURSUANT TO FRCP
 52, 57 & 60

APPLICANT being aware of the following declarations:
 THE APPLICANT AND DOCUMENT CREATITOR
 HEREBY STATES AND EXTENSION OF TIME
 AND DUE PROCESS, PLEADING SILENCE,
 ACCESS TO COURT RECORDS, NOTICE AND
 OPPORTUNITY TO BE HEARD, IN ORDER
 TO OBTAIN RELIEF FROM:
 1. 4/18/06 ORDER IN 05-574, DOCKETED
 4/19/06 AS D.O.T. #21361027

2. 4/18/06 ~~order~~, ~~Case~~ 06-41, Docketed
4/19/06 AS D.I. # 23;

3. 4/24/06 ~~order~~, 06-41.

THESE ~~orders~~ ARE BASED UPON
THE MANIFEST FAULT OF BOTH
PARTY & LAW THAT:

1. APPELLANT HAS A "HISTORY OF
FILED PREVIOUS CLAIMS";

2. APPELLANT HAS 3 -
CANTABE "STRIKES" PURSUANT
TO 28 USC § 1915(g);

3. APPELLANT HAS BEEN
"DETERRED A VEXATIOUS LITIGANT" BY
THESE OTHER COURTS; ~~AND~~

4. THAT THE 3- STRIKES
PROVISION OF 28 USC § 1915(g) IS
APPLICABLE TO APPELLANT IN
THIS ACTION; AND

5. THAT THERE IS AN "EXPEDITED
NATURE OF THE DISPUTE IN

PROCEEDINGS.

APPELLANT BRINGS THIS MOTION
TO: ① CORRECT MANIFEST ERRORS
OF FACT AND LAW BY THIS COURT; ②
TO ENFORCE THE APPELLANT'S
FUNDAMENTAL CONSTITUTIONAL
INTERESTS IN THIS APPEAL; AND
③ TO OBTAIN DUE PROCESS OF
LAW, BY WAY OF A COLLABORATIVE
AND/OR DIRECT ATTACK ON, SUA
SPONTE, EX PARTE ORDERS OR
THIS COURT, AND THE "VOID AB
INTO," MANIFESTLY ERRONEOUS
FOREIGN ORDERS THAT THIS COURT
RELIES UPON.

~~THE~~ IN AN AVALANCHE OF
SUA SPONTE EX PARTE ORDERS,
WITH RECKLESSNESS THE APPELLANT'S
DUE PROCESS RIGHTS, THIS
COURT HAS UNCHARTED ITS OWN

PLAINTIFFS, DECLARING THAT
THEIR ORDERS ARE
(DECLARING THE COURT WAS ERRONEOUSLY
INFORMED BY THE BANKRUPTCY COURT...)
AND HAS NOW SET AN ARBITRARY
AND CAPRICIOUS DEADLINE OF
3 COURT DAYS, FOR THE
INDIGENT DISABLED AND
UNCAUTIOUSLY INCARCERATED TO
COMPLY WITH THIS COURT'S MANIFESTLY
ERRONEOUS ORDER OF 4/24/06, IN
MC-06-41.

APPELLANT ASSERTS THERE IS
NO BASIS FOR AN "EXPEDITED
NATURE OF THE PROSECUTION
PROCEEDING" AS TO THIS
APPELLANT'S APPEAL, WHILE
THE COURT HAS FOUND THIS AS TO
THE "INSURANCE" APPEALS, WHICH
THE COURT HAS "LIMPED" OR

or "FORCED" THE APPellant was (w/o due process), there is no BASIS TO LINK THIS APPELLANT'S APPEAL TO THE "INSURANCE" APPEALS. APPELLANT'S DUE PROCESS RIGHTS, MUST BE PROTECTED BY THIS COURT BY SEVERING THIS APPEAL FROM THE INSURANCE APPEAL.

APPELLANT DISPUTES THIS COURT'S MANIFESTLY FEROUS POLICY FINDINGS AND ORDERS, WHICH ARE BASED ENTIRELY UPON "UOIS AB WINO" FEDERAL ORDERS, WHICH APPELLANT HAS A DUE PROCESS RIGHT TO CONFRONT AND ATTACK IN THIS APPEAL.

WHERE APPELLANT HEREBY STANIS
THE COURT'S URGENCY WITH THE
INSURANCE "APPEALS, THE
OUTCOME OF WHICH COULD
SIGNIFICANTLY AFFECT THE

DEBTOR REORGANIZATION,

THIS APPEAL, CAN HAVE NO
SUCH EFFECT OR IMPACT.

APPELLANT CHALLENGES THE
"RE-CATEGORIZATION" AND "RE-ROUTING"
OF CLAIM #736, (A SWIGLE
INSIGNIFICANT CLAIM), THE OUTCOME
OF WHICH COULD HAVE NO
SIGNIFICANT EFFECT OR IMPACT
ON THE DEBTOR'S REORGANIZATION.

THIS COURT CAN NOT WORSTEN
THE APPELLANT'S ~~POSITION~~
MULTIPLE FINANCIAL
CONSTITUTIONAL ISSUES NOW AT
STAKE IN THIS APPEAL, BY

PL 6 OR 7

THIS COURT IS OVER, SVA SPONTE,
EX PARTE, RELIANCE ON "VOID
AB INITIO" FOREIGN ORDERS,
WITH THE COURT IS ATTEMPTING
TO USE IN A SUMMARY FASHION
TO FORECLOSE ON AND
FOREVER TERMINATE APPLICANT'S
RIGHTS IN THE ACTIONS
ORIGINALLY DOCKETED AS
05-574 & 06-178.

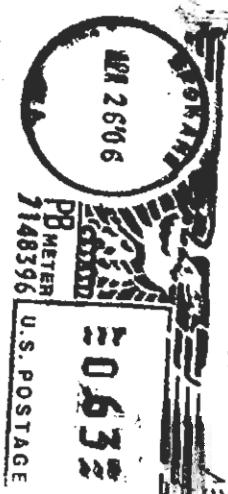
APPLICANT MOVES THE
COURT FOR AN ORDER SEVERING
THESE ACTIONS FROM THE
"INSURANCE" ACTIONS AND
FOR THE GRANTING OF APPLICANT'S
4/20/06 MOTION(S) FOR TRO/OSCE
& PRELIMINARY INJUNCTION AND
A 30 DAY EXTENSION OF TIME
AS TO ALL HEADINGS. I DECLINE THE
FOLLOWS: P BE THAT AND CORRECT
UNLESS THE PENALTY OF PERTINACY AND CERTA
THAT THIS MOTION WAS MADE OFFICED ON 4/25/06
DATED: 4/25/06 PG 7 OF 7 DALL

Duane T. McPhee
Spartan Co. Mich.
1100 W. Michigan
Spartan, MI 49260

Leave me

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